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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/803,768

03/18/2004

Ralf Salameh

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07/05/2006

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EXAMINER

WATKINS III, WILLIAM P

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/803,768	Applicant(s) SALAMEH, RALF	
	Examiner William P. Watkins III	Art Unit 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-10 and 12-16 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Applicant's election of Group II, claims 7-12 in the reply filed on 13 March 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 7-8, 10 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Santella (U.S. 5,375, 569) in view of Haack et al. (U.S. 2003/0008105 A1).

Santella teaches a plastic flange joined to a sealing layer with an extension from the flange that is molded around by cover material. See Figure 2A, which shows a plastic cover (element 10) molded onto a plastic flange (element 14), which in turn is

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joined to seal element 16. Element 20 is an "L" shaped member which extends from flange element 14 to allow better bonding of to the plastic of cover by allowing mechanical interlock of the plastic cover with the flange extension (col. 4, lines 5-20).

Santella also teaches that molded inserts may be made of metal for greater strength at the expense of extra weight (col. 1, lines 10-40, col. 2, lines 15-20). Haack et al. teaches joining a molded plastic to a metal element by injection molding of the plastic through an aperture in the metal to interlock the metal and plastic (sections 0036 and 0037, and Figure 3, elements 40 and 37).

The instant invention claims a metal flange joined to a plastic cover by molding resin through openings in the flange. It would have been obvious to one of ordinary skill in the art to use a metal flange member in place of the plastic flange of Santella in order to increase the strength of the flange because of the teachings of Santella. It further would have been obvious to have added holes to the joining extension of the flange of Santella to allow resin penetration and better bonding because of the teachings of Haack et al. Haack et al. teaches molding material on both sides of an opening in a support member (elements 40 and 41).

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4. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The limitation of a U-shaped internal profile with the plastic component extending through openings in the legs of the profile in combination with the other limitations of claim 11 define over the cited art. The examiner notes that Frohwerk et al. (U.S. 5,957,100) teaches a U-shaped metal profile (element 8), but it is entirely contained within the seal made of elastomer and does not contact the material of the cover.

5. Applicant's arguments filed 13 March 2006 have been fully considered but they are not persuasive.

Applicant argues that Santella teaches away from using a metal support member for the seal because a plastic support molded to a plastic cover is the preferred embodiment and a metal cover is taught as being heavier and having less vibration insulation ability. The examiner disagrees. The reference clearly teaches using molding onto metal support members as prior art (col. 2, lines 15-20). Simply because the reference

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teaches an improved structure as the invention of the reference does not remove the prior art teaching from use by one of ordinary skill in the art who is willing to tolerate the known disadvantages of using metal in their application. Haack et al. provides clear motivation for the introduction of through holes that contain resin when a metal and resin joint is desired. The above rejection has been modified to more clearly address new claims 13 and 16.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references show various two part engine covers.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action

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is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Watkins III whose telephone number is 571-272-1503. The examiner works an increased flex time schedule, but can normally be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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WW/ww

June 23, 2006

William P. Watkins III

**WILLIAM P. WATKINS III
PRIMARY EXAMINER**